IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 177 OF 2005

MR.MITHUN PEDNEKAR,ARPORA,BARDEZ GOA. ....Petitioner

Versus

VILLAGE PANCHAYAT OF ARPORA NAGOA AND 7 ORS., ...Respondents

Shri M.S. Usgaonkar, Sr. Advocate with Shri Sudin Usgaonkar, Advocate for the Petitioner.
Shri N.N. Sardessai, Advocate For R.1.
Shri S. Vahidulla, Addl. Govt. Advocatefor R.2 to 5.
Shri S.D. Lotlikar,Sr. Advocate with Ms. K. Sambari, Advocate for Respondents No.6, 7 and 8.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 24th October, 2005

P.C.:

Heard Mr. M.S. Usgaonkar, the learned Senior Counsel for the Petitioner and Mr. S.D. Lotlikar, the learned Senior Counsel for Respondents No.6, 7 and 8.

2. The learned Senior Counsel for Respondents No.6 to 8 submits that on 29.06.2005 Village Panchayat of Arpora-Nagoa has passed an Order for demolition of construction made by the petitioner in breach of NOC dated 5.5.2003 given by the Town and Country Planning Development. The learned Senior Counsel for Respondents No.6 to 8 further submits that aggrieved by the Order dated 29.06.2005 the respondents No.6 to 8 have preferred appeal and the said appeal is pending before the Director of Panchayats.

3. Mr. M.S. Usgaonkar, the learned Senior Counsel for the petitioner

submits that now since the order has been passed on 29.06.2005 and the matter, in appeal, is pending before the Director of Panchayats the petitioner is not interested in canvassing the matter further before this Court. However, the Order dated 29.06.2005 asking the respondents No.6 to 8 to demolish the illegal construction does not specify the illegal construction that is to be demolished by the Respondents No.6 to 8.

4. The learned Senior Counsel for Respondents No.6 to 8 placed before us that show cause notice dated 18.04.2005 issued by the Village Panchayat of Arpora-Nagoa pursuant whereto the Order dated 29.06.2005 came to be passed.

5. Obviously the order dated 29.06.2005 has to be read in the light of the show cause notice dated 18.04.2005 which was issued by the Village Panchayat to the Respondents No.6 to 8. Now since the Order dated 29.06.2005 has been passed by the Village Panchayat and the said Order has been challenged by Respondents No.6 to 8 in appeal, we are satisfied that nothing further needs to be done in the Writ Petition by us.

6. We record and accept the statement of the learned Senior Counsel for Respondents No.6 to 8 that the petitioner may be permitted to intervene in the appeal that has been filed by Respondents No.6 to 8.

7. We, accordingly, observe that it will be open to the present petitioner to apply to the Director of Panchayats for intervention in the appeal preferred by present Respondents No.6 to 8 against the Order dated 29.06.2005 and upon such application being made the Director of Panchayats may pass appropriate order keeping in view the concession of Respondents No.6 to 8 before us.

Writ Petition is disposed of accordingly.

R. M. LODHA, J.

N. A. BRITTO, J.

sl.